IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4795 of 2005

Between:

S.D.N.R.High School, Korukollu, West Godavari District, rep. by its Correspondent Sri M.V.Prahalada Raju, S/o.Narsimha Raju, R/o.Korukollu village, Pala Koduru Mandal, West Godavari District.

..... PETITIONER

AND

1 The Govt. of Andhra Pradesh, rep.by its Secretary, School Education Department, Secretarait, Hyderabad.
2 The Commissioner and Director of School, Education, A.P.Hyderabad.
3 The Regional Joint Director of School, Education, Kakinada.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ specially writ of Mandamus declare the action of the Respondents in not taking follow-up action for issuance of appointment order to the selected candidate as per selection made on 30-10-2004 by duly constituted staff selection committee to the aided Drawing teacher post as illegal, arbitrary and unjust and consequently direct the respondents 1 to 3 to pass appropriate orders on the recommendation proceedings Lr.Rc.No.391/B3/2004 dt.3-11-2004 of District Educational officer, Eluru, for approval of selected candidates to the aided Drawing teacher post forthwith, and pass such other or further orders as this Hon'ble court may deems fit and proper.

Counsel for the Petitioner:MR.RAJ KUMAR RUDRA

Counsel for the Respondent No.: GP FOR SCHOOL EDUCATION

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is an aided educational institution. One aided post has fallen vacant, on account of death of an incumbent. It sought for permission of the respondents 2 and 3 to fill up the post. Permission was accorded on 13.09.2004. Before any steps could be taken, the Government-1st respondent imposed ban on filling up of aided vacancies through its order, dated 20.10.2004.

Petitioner proceeded to select the candidate, on the strength of permission accorded on 13.09.2004, and submitted the proposal for approval of the selection. The 3rd respondent addressed a letter dated 18.11.2004, to the 2nd respondent, seeking clarification as to whether it is competent for him to consider the proposal, in view of the ban. The matter is now pending before the 2nd respondent, and the petitioner seeks appropriate directions for approval of the selection.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

It is not in dispute that the petitioner was accorded permission on 13.09.2004 to fill up the aided vacancy. The selection was undertaken and the proposal was submitted for approval for appointment of the selected candidate. From the correspondence that ensued among the respondents, it is evident that the proposal was not considered, in view of the ban imposed by the Government on 20.10.2004. The question as to whether the ban imposed by the 1st respondent on 20.10.2004, would effect the permissions, which are already accorded, was dealt with by this Court in W.P.No.24559 of 2004. After referring to the various contentions on behalf

of the parties, it was held that the ban does not operate against the permissions, which are already accorded.

In that view of the matter, the writ petition is disposed of directing the respondents 1 and 2, to process the proposal submitted by the petitioner, and pass appropriate orders thereon, within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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(L.NARASIMHA REDDY,J)

Date: 11-03-2005

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To

1 The Govt. of Andhra Pradesh, rep.by its Secretary, School Education Department, Secretarait, Hyderabad.
2 The Commissioner and Director of School, Education, A.P.Hyderabad.
3 The Regional Joint Director of School, Education, Kakinada.

4 2 CCS to the G.P. for School Education, High Court of A.P., Hyderabad.

5 2 CD copies.